

06-16-08

CASE PC/4-32342A

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FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10

EV72727270US
Express Mail Label Number

June 13, 2008
Date of Deposit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PATENT OF

ACEMOGLU ET AL.

U.S. PATENT NO.: 7,371,865

ISSUED: MAY 13, 2008

FOR: PROCESS FOR THE MANUFACTURE OF HMG-COA REDUCTASE
INHIBITORS

MS: Petition

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

PETITION FOR PATENT TERM ADJUSTMENT PURSUANT TO 37 C.F.R. §1.705(d)

Sir:

Patentees submit this Petition for Patent Term Adjustment (PTA) pursuant to 37 C.F.R. §1.705(d) in which they request a reconsideration of the PTA indicated on U.S. Patent No. 7,371,865, which issued on May 13, 2008. This Petition for PTA is being filed on the date indicated below which is less than two months after issuance of U.S. Patent No. 7,371,865. Thus, this Petition is being timely filed under 37 C.F.R. §1.705(e).

According to the USPTO, and as indicated on the cover page of U.S. Patent No. 7,371,865 (of which a copy of is enclosed), the PTA for U.S. Patent No. 7,371,865 is 315 days. It is believed that the USPTO reached this determination by applying a 49-day delay against the Applicants because of the submission of a Power of Attorney on March 26, 2008 and accordingly, subtracted 49 days from the "initial" PTA of 364 days.

Patentees respectfully disagree with the USPTO's calculation and believe that a 49-day debit should not have been applied because a Power of Attorney represents an exception to the

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list of papers which are considered a "failure to engage in reasonable efforts to conclude processing or examination of an application".

In this connection, the USPTO's attention is directed to M.P.E.P. 2732 and, more particularly, to the "Clarification of 37 C.F.R. §1.704(c)(10) – Reduction of Patent Term Adjustment for Certain Types of Papers Filed After a Notice of Allowance has been Mailed", 1247 Off. Gaz. Pat. Office III (June 26, 2001).

In view of the foregoing, it is believed that the Patentees are entitled to 49 additional days of patent term regarding the subject U.S. Patent and that the correct "final" PTA is 364 days. Accordingly, Patentees request that this Petition be favorably considered and that the USPTO issue a Certificate of Correction which indicates that the PTA for the subject U.S. patent is 364 days.

Please charge the \$200 fee required by 37 C.F.R. §1.18(e) and any other fees that may be required to Deposit Account No. 19-0134 in the name of Novartis Corporation. An additional copy of this Petition for PTA is enclosed.

Respectfully submitted,


Jennifer C. Chapman
Attorney for Patentees
Reg. No. 47,487
(862) 778-1202

Novartis Pharmaceuticals Corp.
Patents Pharma
One Health Plaza, Building 104
East Hanover, NJ 07936-1080
Encls.: cover page of US7,371,865
extra copy of Petition for PTA
postcard

Date: *June 13, 2008*



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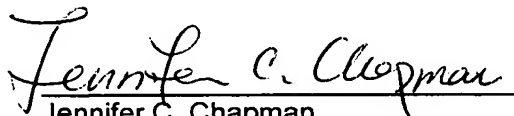
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